

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIJON TOWNSEND,

Plaintiff,

v.

Civil Case No. 22-10019
Honorable Linda V. Parker

CITY OF TAYLOR, 23RD
DISTRICT COURT, TAYLOR
POLICE DEPARTMENT,
SERGEANT JASON HALL,
OFFICER CARROL, OFFICER DIGGS TAYLOR,
OFFICER JENNIFER ZUCCARO, and
OFFICER ADAM CARROLL,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S APRIL 11,
2022 REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE AND DENYING AS
MOOT PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED
COMPLAINT**

Plaintiff commenced this lawsuit against Defendants on January 5, 2022.

The matter has been assigned to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On January 12, 2022, Magistrate Judge Grand issued an order requiring Plaintiff, within fourteen calendar days, to provide certain documents and

information necessary to effectuate service on Defendants by the United States Marshal. (ECF No. 6.) On March 1, 2022, after Plaintiff did not timely submit the required documentation and information, Magistrate Judge David R. Grand issued an order requiring Plaintiff to show cause as to why the action should not be dismissed for failure to comply with the January 12 order. (ECF No. 10.) Plaintiff failed to respond to the show cause order by the March 18 deadline. Accordingly, on April 11, Magistrate Judge Grand issued a report and recommendation (“R&R”) recommending that this Court dismiss the matter pursuant to Federal Rules of Civil Procedure 4(m) and 41(b).

At the conclusion of the R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) No party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts the R&R and is dismissing Plaintiff’s Complaint for failure to complete service within 90 days after the Complaint was filed and for failure to prosecute. Plaintiff’s motion for leave to file an amended complaint is therefore moot.

Accordingly,

IT IS ORDERED that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rules of Civil Procedure 4(m) and 41(b).

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 8) is **DENIED AS MOOT**.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 20, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 20, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager